



**BOARD OF SELECTMEN/BOARD OF ASSESSORS
MEETING AGENDA
April 7, 2015
6:30 p.m.**

I. ROLL CALL AND PLEDGE OF ALLEGIANCE

Call to Order: 6:30 p.m.

**ROLL CALL: Chairman O'Connor, Selectman Crichton, Selectman Ganiere, Selectman Wright
Selectman Pendergast**

**OTHERS PRESENT: Interim Town Manager Bruce Benway, Town Clerk Jo Anne Lepley,
Finance Director Maureen Finger, Fire Chief Dennis Plante**

II. APPROVAL OF MINUTES

a. March 17, 2015 BOS Meeting Minutes

**Motion: It was moved by Selectman Ganiere and seconded by Selectman Crichton to approve
the March 17, 2015 Minutes as presented.**

The motion carried unanimously; 5 – 0.

III. FIRST PUBLIC COMMENT

**Brian Cincotta - Mr. Cincotta inquired as to whether the Town's employees who operate the backhoe are
drug tested.**

The BOS members explained that the Town's employees are randomly drug tested.

IV. PUBLIC HEARING – 2015 TOWN MEETING WARRANT

Chairman O'Connor opened the Public Hearing at 6:34

**Eleanor Murphy – Ms. Murphy spoke against article 29 using the article voted by the Town invoking
the \$25,000 or below to be a part of the "open" portion of the Town Meeting. Article 6 was voted on at
the 1997 Town Meeting. Ms. Murphy stated that she was of the opinion that Article 29 was illegal.**

**Brian Cincotta – Mr. Cincotta noted that Article 29 was presented on the Town Warrant as last year's
Town Meeting under the "open" portion.**

Chairman O'Connor stated that last year's attendance at the "open" portion was less than twenty-five (25) people and by placing the Article in the secret ballot portion would allow more to participate in the decision making process. The Interim Town Manager was asked to look into the legality of Article 29.

Mr. Cincotta stated that if Article 29 passes, someone on the staff would be tempted to not stay within their budget.

Selectman Wright stated that he took exception to that statement. He believes that everyone that works for the Town are good, honest people and look out for the bottom line and to suggest otherwise is wrong.

Andrea Ouimette – Ms. Ouimette spoke in favor of the betterment fee for the Sewer District.

**Eleanor Murphy – Ms. Murphy spoke in favor of the betterment fee for the Sewer District stating its role
in the redevelopment of the Prime Tanning property was key.**

Priscilla Dube – Ms. Dube stated that she was there to represent the Sewer District as a current Board member. She asked for the reasoning behind the elimination of the article from this year’s warrant.

Chairman O’Connor and stated that there was not a vote against the article, no one on the BOS had made a motion to move the article forward.

Selectman Wright stated that he was not opposed to giving the Sewer District \$39,000 for a betterment fee; he looks at the role of the Sewer District in economic development. What he objected to was a one sentence request for the \$39,000 with no back-up material. That would not have been responsible. Ms. Dube stated that both the BOS and the Sewer District serve the same people and this is not serving the people. No one at the Sewer District knew that the last BOS meeting was the finalization of the Warrant.

Selectman Pendergast stated that any other entity that is requesting money from the Town comes before the BOS with a full budget/explanation of why they are requesting the money and answers questions about how the money will be spent.

Jay Wheeler, Sewer District Administrator – He stated that he was late sending the letter and did not know that the night he turned it in was the night the warrant would be finalized. He is working on a petition. He invited the BOS members to come down to the Sewer District and to ask questions any time.

Frank Underwood – Mr. Underwood asked if there would be another opportunity to vote in November and would it be possible to carry the article forward with Budget Committee and BOS review to that time.

Chairman O’Connor stated that would require supplemental tax bill to everyone in the Town. Mr. Underwood stated that he understood it would require some extra work, but it would mean a \$40 increase to the sewer users instead of a few cents to each tax payer. Chairman O’Connor stated that he understood. Chairman O’Connor stated that the comment that the BOS does not represent all the people in this matter is not necessarily true. There are segments of the Town who do not use the Sewer District’s facilities. Mr. Underwood stated that the Town should have stuck with the quarterly meetings between the different Boards.

Selectman Ganiere stated that he did not move it forward simply because there was no representation of the Sewer District present at the last meeting for discussion.

There being no further comment; Chairman O’Connor closed the Public Hearing at 7:05 p.m.

V. APPOINTMENTS/PRESENTATIONS/OTHER GUESTS - NONE

VI. REPORTS OF COMMITTEES

a. BCTV Committee

Selectman Wright put forward a request for the next BOS meeting to appoint Derek Gould to the BCTV Committee.

b. Envision Berwick Committee (EBC)

Frank Underwood – Mr. Underwood was filling in for Ms. Galleshaw who was unable to attend.

1. The EBC, along with the Town Planner would be attending a Workforce Housing Coalition meeting on April 9th.

2. The EBC met with the Planning Board and reviewed the proposed changes to the Land Use Ordinance to develop possible educational items for the public.

3. April 25th was the tour of the Estabrook/Doiron School with a developer and a follow-up walk through with a contractor who will give the EBC some estimates on renovation/repairs vs a demolition of the property. There appears to be a few options available, including separating into two buildings. Selectman Wright did the walk through with the contractor and the building seems to be structurally sound. There will be more on this matter in the future.

4. Frank stated that in 2005, the Town voted to approve two warrant articles. One allowed the BOS to accept federal, state and other funds and to spend those funds. The second article authorized the BOS

to accept donations and gifts of personal property. This goes with the proposal for placing park benches that may be donated "in memory of" and he put together a protocol for this to be used and copies sent to the Finance Director, Town Planner and Town Manager. These were both carry-over votes.

5. The KACTS study will be getting under way soon. VHB (the consultant) will be meeting with the EBC and a site walk will be planned and scheduled.

6. The Town Report write-up was turned in to the Clerk.

7. The last of this season's Farmer's Markets is scheduled for April 26th. Possible expansion of parking now that the snow has melted.

8. The Town Clerk forwarded a notice from Rural Development regarding a workshop session on April 17th. This is a funding agency that provides funds to municipalities. The Sewer District was successful in their application and received 1.4 million. Due to Berwick's census designation as low to moderate income, they received approximately 40% in the form of a grant.

9. The EBC has begun discussing the length of its member's terms and whether they should be staggered.

10. Mr. Underwood has looked at the Town's street lights and would like create a new style

11. The EBC is looking into compressed natural gas as an option to bring gas to the downtown area for redevelopment.

VII. UNFINISHED BUSINESS

a. Hubbard Road Project

The Town Manager recommended that the BOS accept the offer made by the Maine Department of Transportation for the two parcels needed to do the road work on Hubbard Road.

Motion: It was moved by Selectman Wright and seconded by Selectman Pendergast to accept the proposal from Maine Department of Transportation for the two parcels.

The motion carried unanimously; 5 – 0.

Motion: It was moved by Chairman O'Connor and seconded by Selectman Ganiere to allow the Town Manager to sign the agreement.

The motion carried unanimously; 5 – 0.

b. Town Hall Boiler Replacement Funding

Ms. Finger stated that there had not been a decision made on where the funding would be taken from to pay for the boiler replacement. She explained that the Maintenance Capital Reserve Fund was for all Town owned buildings and the Lena Clark Trust for just the Town Hall.

Motion: It was moved by Selectman Crichton and seconded by Selectman Wright to pay for the boiler replacement 50/50 from the Maintenance Capital Reserve Fund and the Lena Clark Trust Fund.

The motion carried unanimously; 5 – 0.

VIII COMMUNICATION

a. FYI - RE: Berwick Somersworth Bridge Closure 9 p.m. 5/1/15 – thru 6 a.m. 5/4/15

Chief Plante was asked if American Ambulance would have one of their vehicles parked on the Berwick side of the river that weekend and the Chief responded that it was taken care of.

IX. APPROVAL OF ACCOUNTS PAYABLE WARRANTS

A/P WARRANT	1538	\$93,209.13
WATER WARRANT	0538	\$3,237.43
PAYROLL WARRANT	1539	\$46,635.30
A/P WARRANT	1539	\$135,991.62
WATER WARRANT	0539	\$2,646.94
PAYROLL WARRANT	1540	\$52,320.93

A/P WARRANT	1540	\$668,084.39
WATER WARRANT	0540	\$1,782.96
PAYROLL WARRANT	1541	\$47,867.28

Motion: It was moved by Chairman O'Connor and seconded by Selectman Ganiere to accept the Accounts Payable Warrants as presented.

The motion carried unanimously; 5 – 0.

X. NEW BUSINESS

a. Budget Shortfall in Stormwater Program Account

Motion: It was moved by Chairman O'Connor and seconded by Selectman Wright to authorize the expenditure of \$1,876.00 from Contingency to cover the budget shortfall in the Stormwater Program Account.

The motion carried unanimously; 5 – 0.

b. Fire Engine 3 Repairs

The Fire Chief explained what the repair to Fire Engine 3 entailed.

Motion: It was moved Selectman Ganiere and seconded by Chairman O'Connor to authorize the expenditure of \$3,900 for the repairs to Fire Engine 3.

The motion carried unanimously; 5 – 0.

c. Massage Licenses Renewals

Motion: It was moved by Chairman O'Connor and seconded by Selectman Wright to approve the Massage Therapist License renewal for Maureen Townsend.

The motion carried unanimously; 5 – 0.

Motion: It was moved by Chairman O'Connor and seconded by Selectman Ganiere to approve the Massage Establishment License renewal for Maureen Townsend.

The motion carried unanimously; 5 – 0.

d. Police Dept. Annual Dept. of Inland Fisheries & Wildlife ATV Enforcement Grant

Motion: It was moved by Chairman O'Connor and seconded by Selectman Wright to allow the Police Department to seek approval for the two grants.

The motion carried unanimously; 5 – 0.

e. Temporary Construction Easement – Cumberland Farms

The Town Manager recommended approval of the Temporary License for Cumberland Farms.

Motion: It was moved by Chairman O'Connor and seconded by Selectman Ganiere to authorize the Town Manager to sign the Temporary License between the Town of Berwick and Cumberland Farms.

The motion carried unanimously; 5 – 0.

XI. QUITCLAIM DEEDS AND/OR INSTALLMENT CONTRACTS

a. Land Purchase Installment Contract R-035-019-004

Motion: It was moved by Chairman O'Connor and seconded by Selectman Ganiere to approve the Land Purchase Installment Contract for R035-019-004.

The motion carried unanimously; 5 – 0.

b. Land Purchase Installment Contract R001-013

Motion: It was moved by Chairman O'Connor and seconded by Selectman Ganiere to approve the Land Purchase Installment Contract for R001-013.

The motion carried unanimously; 5 – 0.

XII. ABATEMENTS/SUPPLEMENTALS - NONE

XIII. SECOND PUBLIC COMMENT - NONE

IVX. EXECUTIVE SESSION - NONE

XV. OTHER BUSINESS/NON-AGENDA ITEMS

1. Special Event Application – Really Really Free Market

The Town Manager recommended rejection of the application due to the condition of the area where the event would be held. It would be permissible for parking vehicles, but a possible liability for pedestrian traffic. **The consensus of the BOS was to reject the application on the advice of the Town Manager.**

2. Memorial Day Parade Kick-off

This is for staging of the parade and should be fine. The Town Manager will call Fund of Jupiter (FOJ) as a courtesy notice.

3. Rec Department Request for parking

The Rec Department is requesting using the same area for summer parking for events. **The consensus of the BOS was to allow this due to past practice.**

4. American Legion Car Show

The American Legion is planning a car show for late June and will be submitting a Special Event Application.

5. Chief Plante has been granted permission by Cumberland Farms to use the Stone house recently purchased by Cumberland Farms for training (non-fire) until the building is demolished.

6. York County Budget Volunteer

No BOS members volunteered.

7. Contract with Municipal Resources for Assessing Agent

The Town Manager suggested that the Town seek an extension due to the fact he is the Interim Town Manager. He will discuss with John Stoll the Town's Planner any suggested training that was suggested before he became Interim.

XV. ADJOURNMENT

Motion: It was moved by Selectman Wright and seconded by Selectman Ganiere to adjourn.

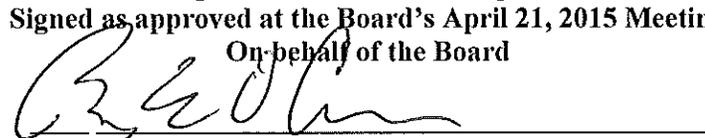
The motion carried unanimously; 5 – 0.

The meeting adjourned at 7:54 p.m.

The April 7, 2015 BOS Meeting Minutes

Signed as approved at the Board's April 21, 2015 Meeting

On behalf of the Board



Bryan O'Connor, Chairman, Berwick Board of Selectmen